

RICHARD F. BERGNER & ASSOCIATES

ATTORNEYS AT LAW
5718 WESTHEIMER, SUITE 700
HOUSTON, TEXAS 77057

RICHARD F. BERGNER
rbergner@flash.net

TELEPHONE (713) 783-4832
FACSIMILE (713) 783-2502

June 27, 2003

Mr. Jeffrey C. Lewellin
Emergency Response Coordinator
Field Operations Division
Texas Commission on Environmental Quality
Region 14
Corpus Christi, Texas

Via Facsimile Transmission 361 825-3101

Dear Jeff:

As we discussed this morning, National Oil Recovery Corporation was served with a letter dated February 5, 2003, from the United States Environmental Protection Agency Region 6, Dallas, Texas, regarding information requested pursuant to Section 308 of the Clean Water Act. A copy of this letter is attached.

I retained John Perabo of Miller Environmental Services, Inc. to supply me with the information requested by the EPA, and, utilizing such information from him, I responded to the EPA's inquiry by letter dated March 7, 2003. A copy of my letter to Mr. Roberto Bernier is also attached.

Attached to the letter to Mr. Bernier are the Attachments 1 and 2 referenced in my letter. However, the photographs referenced in Attachment 3 are not attached; they are color photographs and I do not have a color copier. If you need copies of those photographs, I suggest you contact Mr. Perabo, who has the originals.

If you need any additional information regarding the clean-up, please advise.

I can confirm to you that National Oil Recovery Corporation's corporate address has not changed. The office telephone number has changed. It is (718) 886-0994.

Very truly yours,



Richard F. Bergner

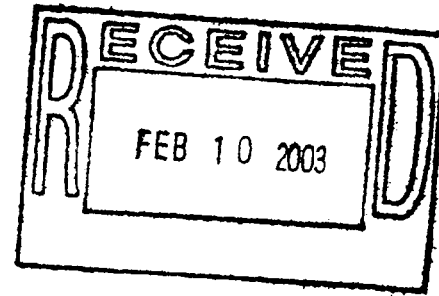
RFB:sjh
Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

February 5, 2003



CERTIFIED MAIL, RETURN RECEIPT REQUESTED

7001 0360 0003 6671 9070

Mr. Richard Bergner
Norco Oil
5718 Westheimer
Suite 700
Houston, TX 77057

RE: Clean Water Act, Section 308 Information Request
Oil Spill in San Patricio County, Texas on or about September 20, 2002
NRC Report No: 623560

Dear Mr. Bergner:

Pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. Section 1318 et seq., the United States Environmental Protection Agency (EPA) has the authority to request information pertinent to carrying out its responsibilities under the CWA. Accordingly, this Information Request is hereby served on you and Norco Oil.

Compliance with the provisions of this letter is mandatory. Your responses to the questions are to be submitted to EPA and postmarked within thirty (30) days of receipt of this letter. The response must be signed by a duly authorized official of Norco Oil. The information will be considered in the evaluation of the extent of your compliance with the federal regulations governing the discharge, or threat of discharge, of hazardous substances, pollutants, or contaminants into navigable waters of the United States.

Failure to respond fully and truthfully to the Information Request, or to adequately justify such failure to respond, will be considered a violation of Section 309 of the CWA, as amended by the Water Quality Act of 1987, which can result in enforcement action by EPA. Section 309 of the CWA permits EPA to seek the imposition of civil and criminal penalties for failure to submit information requested under Section 308 of the CWA, including issuance of an Administrative Penalty Order or referral to the United States Department of Justice for judicial action with monetary fines. Please be further advised that providing false, misleading, or fraudulent statements or representations, may subject you to criminal penalties under Section 309 of the CWA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act, of 1980, as amended, 44 U.S.C. Section 3501, et. seq., as described in 5 CFR Part 1320.3(c).

You are hereby requested to provide the following information regarding the oil spill which occurred on or about September 20, 2002 in San Patricio County, Texas:

1. A report regarding the spill of crude oil into a water body which occurred on or about September 20, 2002. (If the name of the water body is not available, use the best description available.)
2. The amount of product spilled (in either barrels or gallons).
3. Duration of the spill event. Report the time and date the spill began, how long the product remained in the watercourse, as well as on the shoreline or banks and when the cleanup operations were considered complete and all product removed from waters of the United States and adjoining shoreline.
4. The cause of the spill.
5. Name of the immediate receiving ditch, creek, stream, river, lake, arroyo, swale, etc. if known.
 - A. Also include the names of all downstream receiving waters that the spill affected.
 - B. Additionally, list all downstream receiving water bodies to the first major river or lake, regardless of whether or not the spill affected the water bodies.
6. Site location map.
7. Drawing of the site showing locations of the facilities.
8. Sketch of the spill site showing extent of the spill.
9. Photographs of the spill and the spill site both before and after cleanup.

In some instances, information requested by EPA may be considered confidential business information (CBI) by the provider of that information. Should any of the information requested by EPA as part of this request for information be considered CBI material by Norco Oil, you must assert that claim as part of your reply. The final determination regarding this material will be made by EPA per the regulations found in 40 CFR Part 2.204.

Please mail your response to the following address:

Mr. Roberto Bernier
Superfund Division (6SF-RO)
U. S. EPA Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

If you have any questions relating to this Information Request, please contact Mr. Roberto Bernier at (214) 665-8376.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Charles A. Gazda". The signature is fluid and cursive, with a large initial "C" and a stylized "G".

Charles A. Gazda
Chief, Response & Prevention Branch
Superfund Division

RICHARD F. BERGNER & ASSOCIATES

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5718 WESTHEIMER, SUITE 700
HOUSTON, TEXAS 77057

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TELEPHONE (713) 783-4832
FACSIMILE (713) 783-2502

March 7, 2003

Mr. Roberto Bernier
Superfund Division (6SF-RO)
U.S. E.P.A. Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Via Certified Mail/Return Receipt Requested

Dear Mr. Bernier:

On behalf of National Oil Recovery Corporation ("Norco"), I am responding to Mr. Charles A. Gazda's letter of February 5, 2003, requesting information under Section 308 of the Clean Water Act relative to an oil spill at the Norco Refinery on or about September 20, 2002.

Although Mr. Gazda's letter is dated February 5, 2003, it was not received by me until February 10, 2003.

The inquired-about oil spill occurred at the Norco Refinery in Ingleside, Texas, on or about Friday, September 20, 2002.

Miller Environmental Services, Inc., Corpus Christi, Texas, under the supervision of Mr. John Perabo, was contacted to assess and remediate this oil spill. In view of such, I contacted Mr. Perabo, sent him a copy of Mr. Gazda's letter of February 5, 2003, and requested that he supply me with the answers to the questions propounded and the drawing, sketch and photographs requested in Mr. Gazda's letter.

Based on the information supplied by Mr. Perabo, I am responding to the nine items posed by Mr. Gazda in the order posed, as follows:

- (1) The crude oil that spilled from Tank 7 at the Norco Refinery did not enter a water body.
- (2) The amount of crude oil that was spilled or released was approximately five hundred gallons.
- (3) The crude oil spill began on Friday, September 20, 2003. All free liquid outside the facility was recovered the first day. After that, the remaining work was the removal of oil from inside the facility dike walls, lowering the level inside the Tank 7 from which the oil was released,

March 7, 2003

Page Two

and the removal of the oil stained soil in the tank farm and ditches outside the tank farm along FM 2725. This work was completed on October 4, 2002.

(4) The cause of the spill was due to heavy rains. Water leaked into Tank 7, causing oil to rise and flow out the vents at the top of the tank.

(5) The oil affected the ditch along FM 2725 between Sunray Road and Bishop Road/CR 4714

A. There was no downstream body of water that was affected.

B. Redfish Bay is the nearest body of water that could have been affected, but was not.

(6) Site Location Map. See attachment #1.

(7) Drawing of the site showing locations of the facilities. See attachment #2.

(8) Sketch of the spill site showing extent of the spill. See attachment #2.

(9) Photographs of the spill and the spill site both before and after cleanup. See attachment #3.

If I can be of further assistance in this matter, please advise.

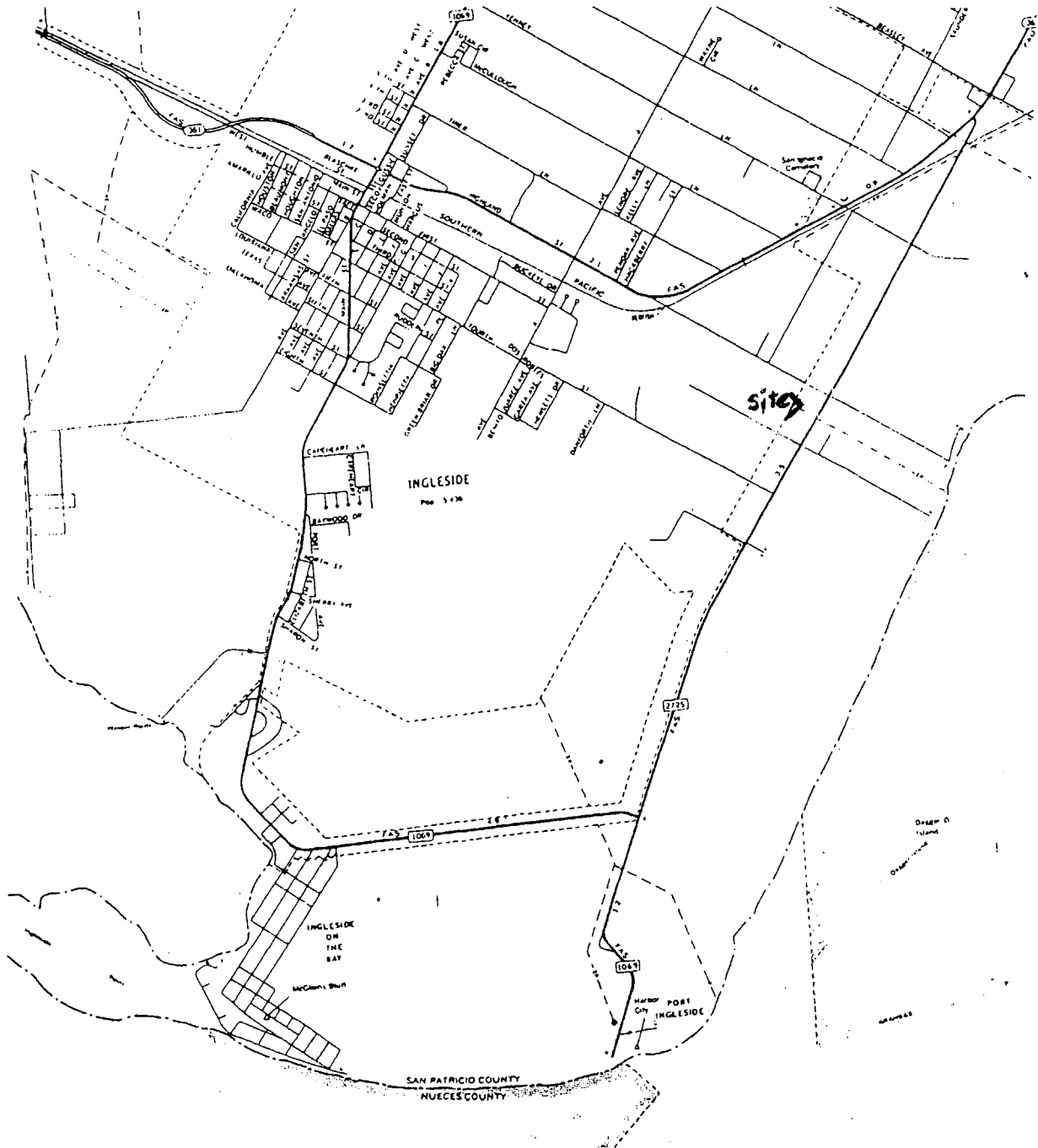
Very truly yours,

Richard F. Bergner
Attorney for National Oil Recovery Corporation

RFB:sjh
Enclosures

bcc: Mr. Solfred Maizus
w/ Enclosures

GENERAL LOCATION MAP



GENERAL HIGHWAY MAP

SUPPLEMENTARY SHEET
SHOWING

DETAIL OF CITIES AND TOWNS SAN PATRICIO COUNTY TEXAS



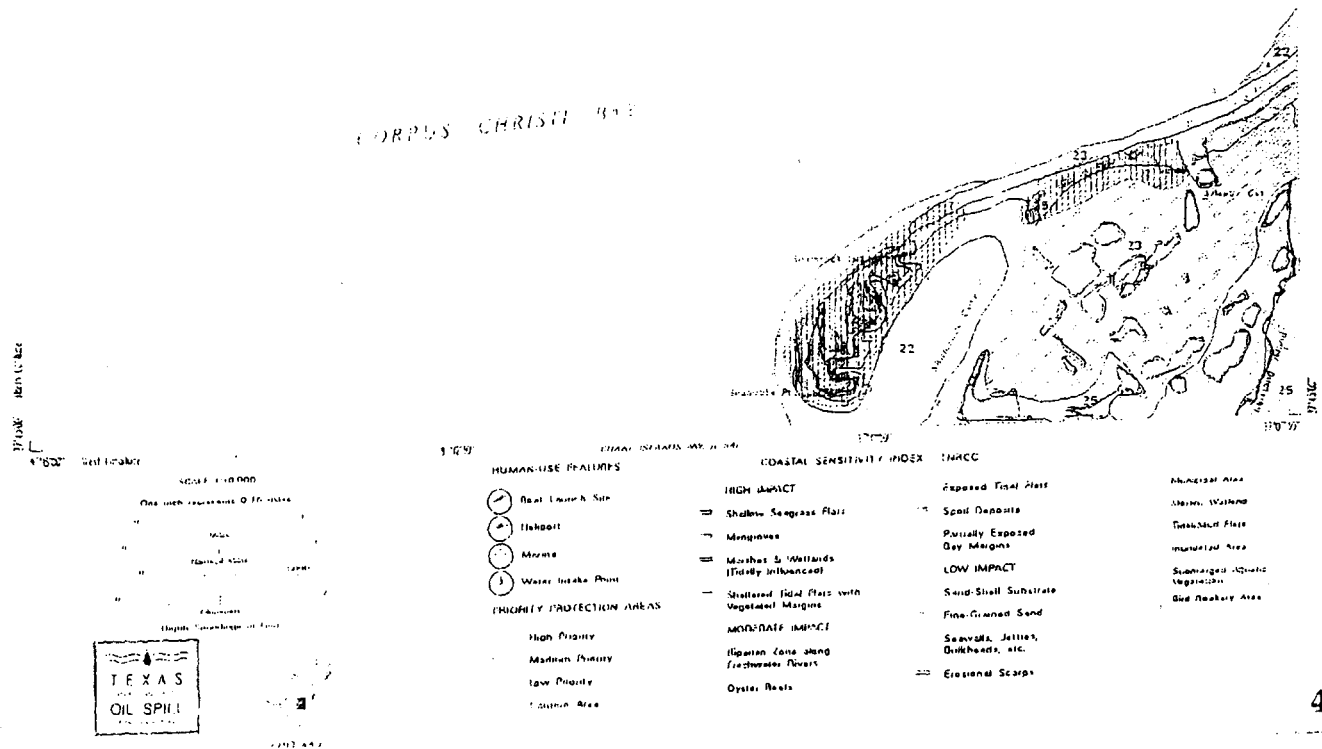
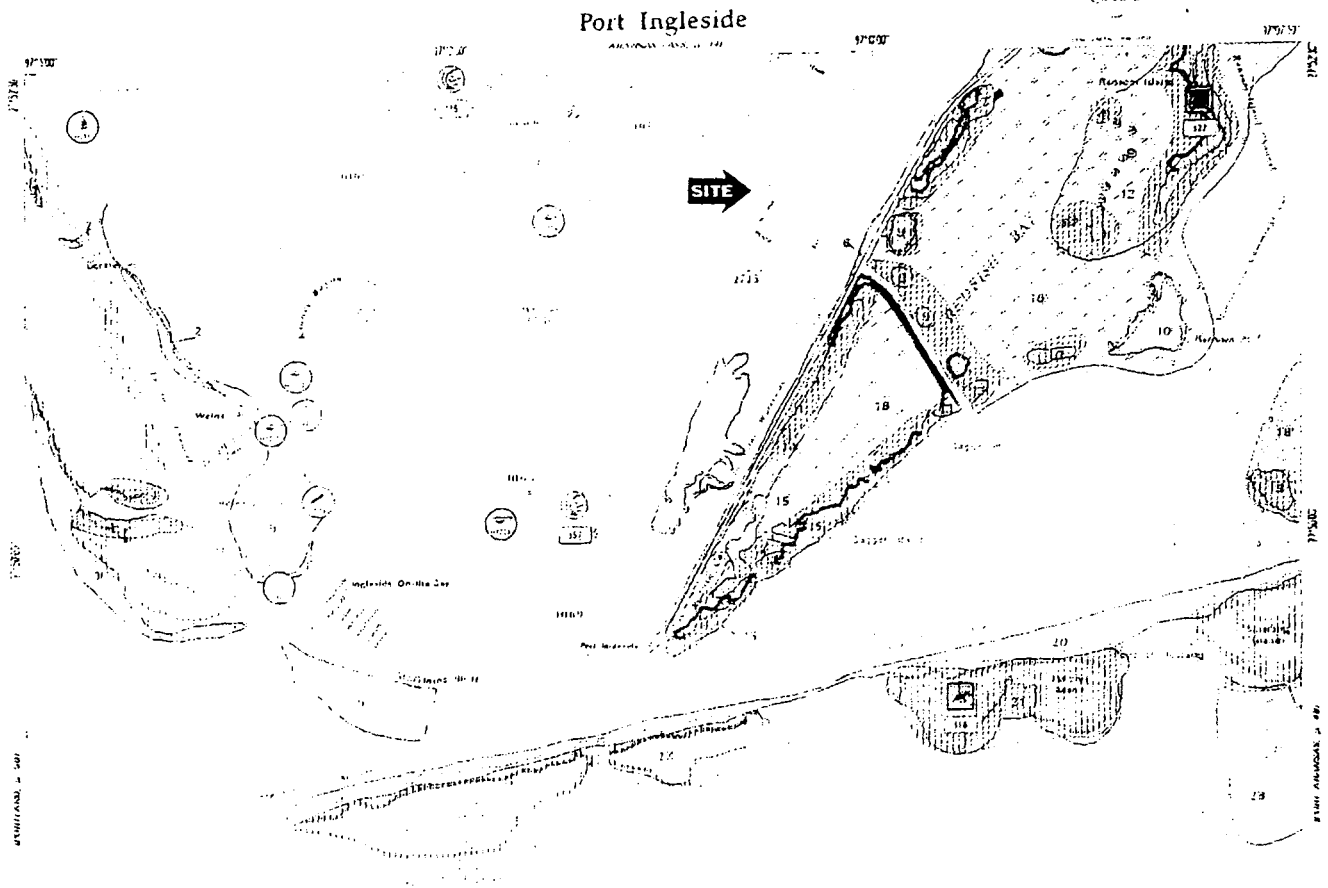
PREPARED BY THE
STATE DEPARTMENT OF HIGHWAYS
AND PUBLIC TRANSPORTATION
TRANSPORTATION PLANNING DIVISION
IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

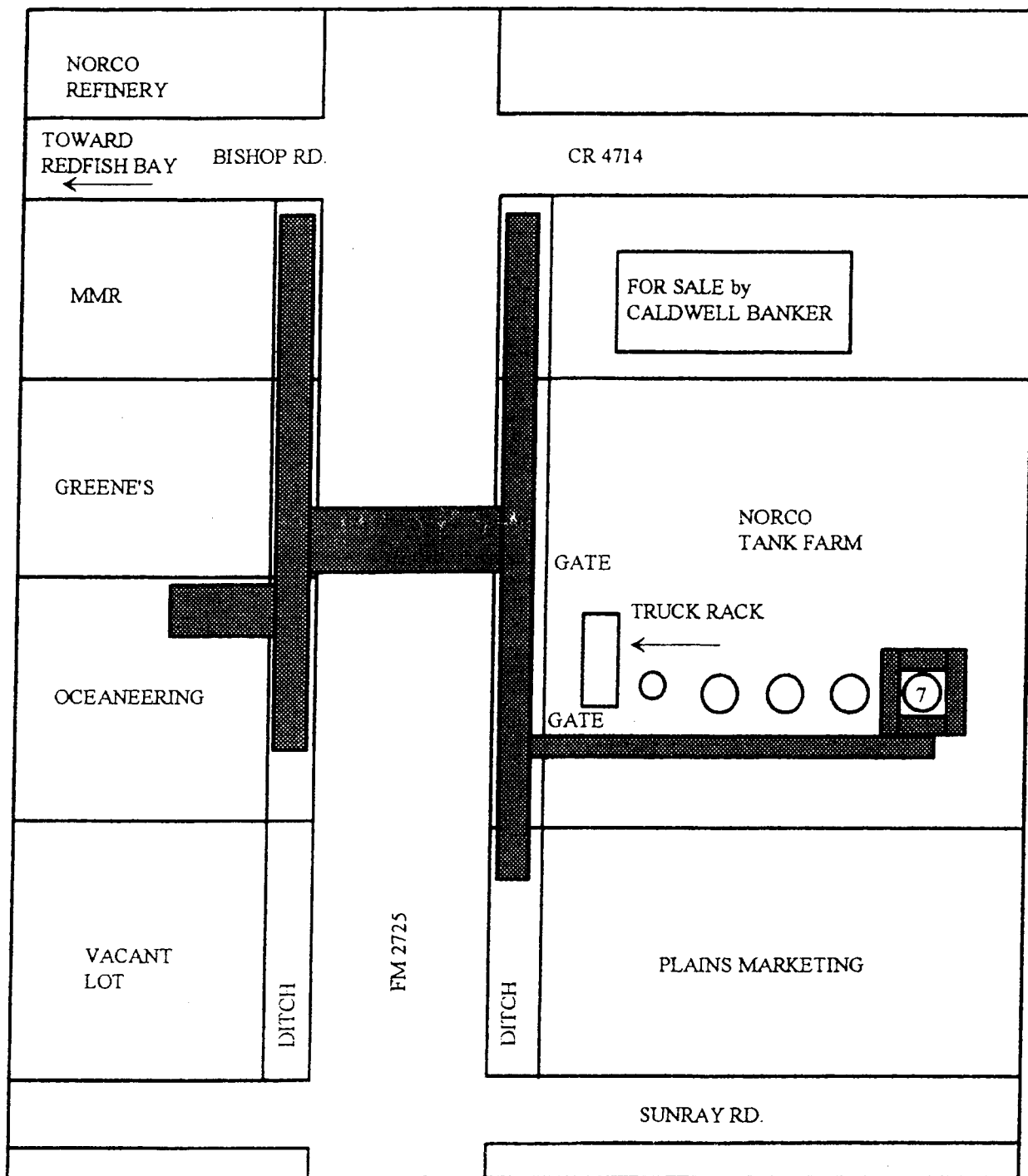
SCALE IN MILES
0 1/4 1/2 3/4 1

1970

1980 CENSUS FIGURES

HIGHWAYS REVISED TO FEBRUARY 1 1987





EXPLANATION



SPILL AREA



STORAGE TANKS



DRAWING IS NOT
TO SCALE

SPILL SITE MAP

for

NORCO OIL

FM 2725 BETWEEN SUNRAY RD.

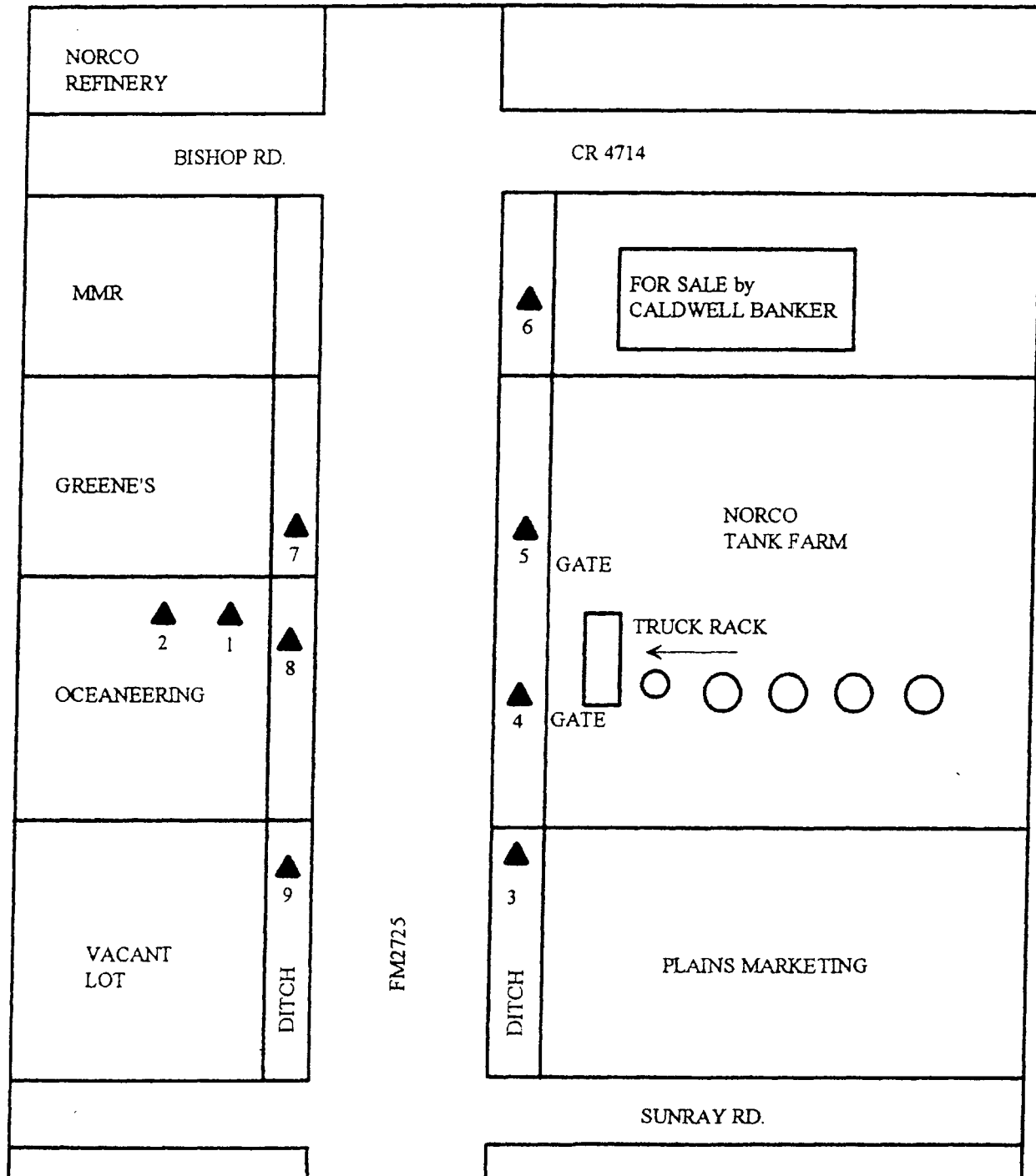
AND BISHOP RD.



SAN PATRICIO COUNTY

INGLESIDE, TEXAS

MILLER ENVIRONMENTAL
SERVICES, INC.





<p>EXPLANATION</p> <p>▲ SAMPLE POINT</p> <p>○ STORAGE TANKS</p> <p></p> <p>DRAWING IS NOT TO SCALE</p>		<p>SAMPLE LOCATION MAP for NORCO OIL FM 2725 BETWEEN SUNRAY RD. AND BISHOP RD. SAN PATRICIO COUNTY INGLESIDE, TEXAS</p> <p>MILLER ENVIRONMENTAL SERVICES, INC. </p>
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LABORATORY TEST RESULTS

Job Number: 215518

Date: 10/28/2002

CUSTOMER: Miller Environmental Services

PROJECT: NDRCO

ATTN: JGM-Perabo

Customer Sample ID: 1 SOIL
Date Sampled.....: 10/17/2002
Time Sampled.....: 16:20
Sample Matrix.....: Soil

Laboratory Sample ID: 215518-1
Date Received.....: 10/17/2002
Time Received.....: 17:13

TEST METHOD	PARAMETER/TEST DESCRIPTION	SAMPLE RESULT	REPORTING LIMIT	UNITS	DATE	TECH
TCEQ TX1005	Petroleum Hydrocarbons Extraction n-Pentane Extraction - Solids & Wastes	Complete			10/21/02	rjt
TCEQ TX1005	Total Petroleum Hydrocarbons					
	Petroleum Hydrocarbons (C6 to C12), Solid	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (>C12 to C28), Solid	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (>C28 to C35), Solid	ND	50	mg/Kg	10/21/02	rjt
	TPH (C6 to C35), Solid	ND	50	mg/Kg	10/21/02	rjt

LABORATORY TEST RESULTS

Job Number: 215518

Date: 10/28/2002

CUSTOMER: Miller Environmental Services

PROPERTY: NORCO

ATTN: John Peralbo

Customer Sample ID: 2 SOIL
Date Sampled.....: 10/17/2002
Time Sampled.....: 16:22
Sample Matrix.....: Soil

Laboratory Sample ID: 215518-2
Date Received.....: 10/17/2002
Time Received.....: 17:13

TEST METHOD	PARAMETER/TEST DESCRIPTION	SAMPLE RESULT	REPORTING LIMIT	UNITS	DATE	TECH
TCEQ TX1005	Petroleum Hydrocarbons Extraction n-Pentane Extraction - Solids & Wastes	Complete			10/21/02	rjt
TCEQ TX1005	Total Petroleum Hydrocarbons					
	Petroleum Hydrocarbons (C6 to C12), Solid	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (>C12 to C28), Solid	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (>C28 to C35), Solid	ND	50	mg/Kg	10/21/02	rjt
	TPH (C6 to C35), Solid	ND	50	mg/Kg	10/21/02	rjt

LABORATORY TEST RESULTS

Job Number: 215518

Date: 10/28/2002

CUSTOMER: Miller Environmental Services

PROJECT: HRRD

ANALYST: John Perabo

Customer Sample ID: 3 SOIL

Date Sampled.....: 10/17/2002

Time Sampled.....: 16:26

Sample Matrix.....: Soil

Laboratory Sample ID: 215518-3

Date Received.....: 10/17/2002

Time Received.....: 17:13

TEST METHOD	PARAMETER/TEST DESCRIPTION	SAMPLE RESULT	REPORTING LIMIT	UNITS	DATE	TECH
TCEQ TX1005	Petroleum Hydrocarbons Extraction n-Pentane Extraction - Solids & Wastes	Complete			10/21/02	rjt
TCEQ TX1005	Total Petroleum Hydrocarbons	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (C6 to C12), Solid	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (>C12 to C28), Solid	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (>C28 to C35), Solid	ND	50	mg/Kg	10/21/02	rjt
	TPH (C6 to C35), Solid	ND	50	mg/Kg	10/21/02	rjt

LABORATORY TEST RESULTS

Job Number: 215518

Date: 10/28/2002

CUSTOMER: Miller Environmental Services PROJECT: NONGD APTN: John Perabo

Customer Sample ID: 4 SOIL
Date Sampled.....: 10/17/2002
Time Sampled.....: 16:28
Sample Matrix.....: Soil

Laboratory Sample ID: 215518-4
Date Received.....: 10/17/2002
Time Received.....: 17:13

TEST METHOD	PARAMETER/TEST DESCRIPTION	SAMPLE RESULT	REPORTING UNIT	UNITS	DATE	TECH
TCEQ TX1005	Petroleum Hydrocarbons Extraction n-Pentane Extraction - Solids & Wastes	Complete			10/21/02	rjt
TCEQ TX1005	Total Petroleum Hydrocarbons	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (C6 to C12), Solid	74	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (>C12 to C28), Solid	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (>C28 to C35), Solid	74	50	mg/Kg	10/21/02	rjt
	TPH (C6 to C35), Solid					

LABORATORY TEST RESULTS

Job Number: 215518

Date: 10/28/2002

CUSTOMER: Miller Environmental Services

PROJECT: NORDO

ATTN: John Perabo

Customer Sample ID: 5 SOIL
Date Sampled.....: 10/17/2002
Time Sampled.....: 16:32
Sample Matrix.....: Soil

Laboratory Sample ID: 215518-5
Date Received.....: 10/17/2002
Time Received.....: 17:13

TEST METHOD	PARAMETER/TEST DESCRIPTION	SAMPLE RESULT	REPORTING LIMIT	UNITS	DATE	TECH
TCEQ TX1005	Petroleum Hydrocarbons Extraction n-Pentane Extraction - Solids & Wastes	Complete			10/21/02	rjt
TCEQ TX1005	Total Petroleum Hydrocarbons	ND	50	mg/Kg	10/22/02	rjt
	Petroleum Hydrocarbons (C6 to C12), Solid	87	50	mg/Kg	10/22/02	rjt
	Petroleum Hydrocarbons (>C12 to C28), Solid	63	50	mg/Kg	10/22/02	rjt
	Petroleum Hydrocarbons (>C28 to C35), Solid	150	50	mg/Kg	10/22/02	rjt
	TPH (C6 to C35), Solid					

LABORATORY TEST RESULTS

Job Number: 215518

Date: 10/28/2002

CUSTOMER: Miller Environmental Services

PROJECT: NORCO

ATTN: John Pepsbo

Customer Sample ID: 6 SOIL
Date Sampled.....: 10/17/2002
Time Sampled.....: 16:36
Sample Matrix.....: Soil

Laboratory Sample ID: 215518-6
Date Received.....: 10/17/2002
Time Received.....: 17:13

TEST METHOD	PARAMETER/TEST DESCRIPTION	SAMPLE RESULT	REPORTING LIMIT	UNITS	DATE	REMARKS
TCEQ TX1005	Petroleum Hydrocarbons Extraction n-Pentane Extraction - Solids & Wastes	Complete			10/21/02	rjt
TCEQ TX1005	Total Petroleum Hydrocarbons	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (C6 to C12), Solid	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (>C12 to C28), Solid	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (>C28 to C35), Solid	ND	50	mg/Kg	10/21/02	rjt
	TPH (C6 to C35), Solid	ND	50	mg/Kg	10/21/02	rjt

LABORATORY TEST RESULTS

Job Number: 215518

Date: 10/28/2002

CUSTOMER: Miller Environmental Services

PROJECT: NORCO

ATTN: John Petabo

Customer Sample ID: 7 SOIL
 Date Sampled.....: 10/17/2002
 Time Sampled.....: 16:38
 Sample Matrix.....: Soil

Laboratory Sample ID: 215518-7
 Date Received.....: 10/17/2002
 Time Received.....: 17:13

TEST METHOD	PARAMETER/TEST DESCRIPTION	SAMPLE RESULT	REPORTING LIMIT	UNITS	DATE	TECH
TCEQ TX1005	Petroleum Hydrocarbons Extraction n-Pentane Extraction - Solids & Wastes	Complete			10/21/02	rjt
TCEQ TX1005	Total Petroleum Hydrocarbons	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (C6 to C12), Solid	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (>C12 to C28), Solid	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (>C28 to C35), Solid	ND	50	mg/Kg	10/21/02	rjt
	TPH (C6 to C35), Solid	ND	50	mg/Kg	10/21/02	rjt

LABORATORY TEST RESULTS

Job Number: 215518

Date: 10/28/2002

CUSTOMER: Nitter Environmental Services

PROJECT: MORCO

ATTN: John Perabo

Customer Sample ID: 8 SOIL
Date Sampled.....: 10/17/2002
Time Sampled.....: 16:41
Sample Matrix.....: Soil

Laboratory Sample ID: 215518-8
Date Received.....: 10/17/2002
Time Received.....: 17:13

TEST METHOD	PARAMETER/TEST DESCRIPTION	SAMPLE RESULT	REPORTING LIMIT	UNITS	DATE	TECH
TCEQ TX1005	Petroleum Hydrocarbons Extraction n-Pentane Extraction - Solids & Wastes	Complete			10/21/02	rjt
TCEQ TX1005	Total Petroleum Hydrocarbons	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (C6 to C12), Solid	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (>C12 to C28), Solid	ND	50	mg/Kg	10/21/02	rjt
	Petroleum Hydrocarbons (>C28 to C35), Solid	ND	50	mg/Kg	10/21/02	rjt
	TPH (C6 to C35), Solid	ND	50	mg/Kg	10/21/02	rjt

LABORATORY TEST RESULTS

Job Number: 215518

Date: 10/28/2002

CUSTOMER: Miller Environmental Services

PROJECT: NORCO

ATTN: John Perabo

Customer Sample ID: 9 SOIL BACKGROUND
Date Sampled.....: 10/17/2002
Time Sampled.....: 16:45
Sample Matrix.....: Soil

Laboratory Sample ID: 215518-9
Date Received.....: 10/17/2002
Time Received.....: 17:13

TEST METHOD	PARAMETER/TEST DESCRIPTION	SAMPLE RESULT	REPORTING LIMIT	UNITS	DATE	TECH
TCEQ TX1005	Petroleum Hydrocarbons Extraction n-Pentane Extraction - Solids & Wastes	Complete			10/21/02	rjt
TCEQ TX1005	Total Petroleum Hydrocarbons	ND	50	mg/Kg	10/22/02	rjt
	Petroleum Hydrocarbons (C6 to C12), Solid	ND	50	mg/Kg	10/22/02	rjt
	Petroleum Hydrocarbons (>C12 to C28), Solid	ND	50	mg/Kg	10/22/02	rjt
	Petroleum Hydrocarbons (>C28 to C35), Solid	ND	50	mg/Kg	10/22/02	rjt
	TPH (C6 to C35), Solid	ND	50	mg/Kg	10/22/02	rjt